

THE DISTINCT CLAIMS OF GOVERNMENT
AND RELIGION, CONSIDERED

IN A

S E R M O N

PREACHED BEFORE THE
HONOURABLE HOUSE OF BURGESSES,
AT WILLIAMSBURG, IN VIRGINIA,

MARCH 1, 1772.

BY S. HENLEY,

PROFESSOR OF MORAL PHILOSOPHY,
IN WILLIAM AND MARY COLLEGE.

ALIA QUIPPE OMNIA PRO ARBITRIO CIVILIS MAGISTRATVS SAN-
CIVNTVR: SOLA RELIGIO NON IMPERATVR.

THUANUS.

C A M B R I D G E :

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To the reverend S^r Amory from the Author



TO THE
Reverend Mr. JEBB.

DEAR SIR,

I DEDICATE this Discourse to you, not as a Patron, but a Friend, and therefore ask no permission. The intercourse which hath subsisted, so long, between us, entitles me to this freedom. As our acquaintance commenced in the pursuit of truth, you will no more expect adulation from me, than you will find me disposed to offer it. Though they who know you most intimately will love you most sincerely, yet the Public is too well informed of your character to need my commendation. Those studies which LOCKE and NEWTON, towards the close of life, regretted they had not earlier begun, you entered upon at first; and the ardor with which you have prosecuted them entitles you to universal respect. It is much to be lamented that the glorious effort of LORD VERULAM to strike off the shackles from the human mind hath succeeded only in the science of Nature. You, my Friend, have at-

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tempted it in the study of Revelation ; and I doubt not that future ages will do justice to your memory, though your enemies, of the present, would as gladly hunt you out of *Cambridge*, as the persecutors of GALILEO hunted him out of *Padua* and *Pisa*.* There is nothing which so much flatters the pride and indolence of mankind as a fondness for systems. Knowing a little, they fancy more, and presume every thing. Too inert to examine whether they be right ; too haughty to confess it, should they find themselves wrong ; in imitation of Hercules, they erect pillars, upon, what they call, the confines of knowledge, “ from ” beyond “ whose bourn no traveller returns ” without incurring their bitterest invectives. Had the same “ gowned ease,” which possesses “ those budge doctors of the stoic fur,” equally captivated their predecessors, the wisest nation upon earth, would at this hour, have been no less

* Pour récompenser Galilée de toute cette belle théorie, on le chassa de Pise & de Padoue où il s'étoit retiré. Il paroissoit un peu dur à tous les vieux docteurs de ces universités, d'avouer sur la fin de leurs jours qu'ils étoient des ignorants. Galilée, se disoient ils à eux mêmes, en fait plus que nous : donc il nous méprise : & ce fut le motif de toutes les persécutions que l'on suscita contre lui. DICTION. DES PORTRAITS. *Galilée.*

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ignorant than the most savage.† Let me exhort you to persevere in defiance of all opposition. To investigate the divine will and declare it to mankind is the noblest of employments. Though the malignity of your enemies may retard your advancement, yet the consciousness of having aspired to the worthiest object of the human mind will afford you ample satisfaction.

It is on account of the subject, and not the execution, that I present to you the following Sermon. Though the faults of the latter cannot escape your penetration, they will, notwithstanding, meet with your candour: The former needs no apology, to you, from, Dear Sir,

Your affectionate Friend,

S. HENLEY.

† Some years since came to this city an Indian, after having travelled, alone, for thirteen moons, a direct east course, with no other view but to discover the place where the sun (according to an established opinion) rose, every morning, out of the earth. Finding an interruption from the sea to the progress of his inquiry, he attempted to return; but, being unable to retrace his way, joined himself, at last, to a nation on the frontiers of *Virginia*, and there finished his days.

“ Full many a gem of purest ray serene,
The dark unfathom'd caves of ocean bear :
Full many a flow'r is born to blush unseen,
And waste its sweetness on desert air.”

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THE following Discourse would never have been published had it not exposed its Author to obloquy. He is too well acquainted with its defects as a *composition* to arrogate any merit upon that account. Whether he could, or could not, have rendered it more perfect, is a consideration of little importance. There is, however, a native energy in the language of the heart, which would be but ill supplied by a frigid exactness. The censures, referred to, are not of this kind.

Some Gentlemen have taken offence at the *subject*. — Till now, the Author hath been ignorant that *any* man was acting out of his province who interfered in matters of *universal* concern; much less, when a question was agitating which involved in it the most valuable rights of mankind. But, perhaps, the guilt consists in his being a Clergyman of the established Church; into which (it hath been said) he entered for the loaves and the fishes. Of what kind must that Church be, which endeavours to make proselytes by throwing out such allurements? Or, bribes men to prostitute their integrity, that they may become fit instruments to support her cause? — Yet such do theſe, pretenders to orthodoxy, represent the established Church! Zealously, however, as he espouses her interests, and highly as he venerates her doctrines, never will he consent, that the latter shall be forced upon any; nor, believe that

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the former could be promoted by compulsion. Whatever tends to subvert the principles of christianity and the rights of conscience must be equally subversive of Her: They are lovely in their lives, and, in their deaths, cannot be divided.

Another objection is, that such discourses are unfit for the pulpit. Unfortunately for the Author, when this was composed, and delivered, he thought it *peculiarly* suitable, since at that time the *Committee for Religion* was preparing the *Act for Toleration* which is still depending. As to the propriety of preaching, in *general*, upon this subject, let us consult the incomparable LOCKE. "It is not enough that ecclesiastical men abstain from violence and rapine, and all manner of persecution. He that pretends to be a successor of the Apostles, and takes upon him the office of teaching, is obliged also to admonish his hearers of the duties of peace, and good will towards all men; as well towards the erroneous as the orthodox; towards those that differ from them in faith and worship, as well as towards those that agree with them therein; and he ought industriously to exhort all men, whether private persons or magistrates, if any such there be in his church, to charity, meekness, and toleration; and diligently endeavour to allay and temper all that heat, and unreasonable averfeness of mind, which either any man's

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fiery zeal for his own sect, or the craft of others has kindled against dissenters. I will not undertake to represent how happy and how great would be the fruit, both in church and state, if the pulpits every where founded with this doctrine of peace and toleration; lest I should seem to reflect too severely upon those men whose dignity I desire not to retract from, nor would have it diminished either by others or themselves. But this I say, that thus it ought to be. And if any one that professes himself to be a minister of the word of God, a preacher of the gospel of peace, teach otherwise; he either understands not, or neglects the business of his calling, and shall one day give account thereof unto the Prince of peace." LOCKE'S Works II Vol. 4 to p. 358.

However the doctrine, advanced in this Sermon, may be regarded, by the intriguing, self-interested politician, or the gloomy and narrow-hearted bigot, the Author avows it as the doctrine of Jesus; and hopes that he should not want fortitude to maintain it at the stake.

M A R K XII. 17.

RENDER TO CÆSAR THE THINGS THAT ARE
CÆSAR'S, AND TO GOD THE THINGS THAT ARE
GOD'S.

THOUGH it be universally admitted, that the happiness of mankind is the end of all government, it is, notwithstanding, a melancholy reflexion, that this end hath never been persued by the most direct means. In some states, opposite institutions have been established for effecting this purpose; and, in all, those have approached the nearest to perfection, in which the general good hath been least counteracted. Where power is limited but by few restrictions, the interest of many will be subject to the caprice of one: And though laws be enacted to circumscribe its extent there will

much still remain in the executive hands; while even the laws themselves, through the ignorance, prejudice or malignity of their authors, may rather augment, than diminish, the evil. When individuals of ability rectitude and resolution arise to assert the rights of mankind, they must, always, expect opposition. Innovations will be inveighed against by the interested, and the proposers of them branded with infamy. Such treatment did the *Author and finisher of our faith* experience from his flagitious Countrymen. Enemies of a design most propitious to the happiness of man, they sought to wreak their vengeance on its founder. Various were their artifices to undermine his reputation and endanger his life, the most subtle of which he defeated by the reply in our text. Having just delivered a parable to the Chief-priests, the Scribes and the Elders, which forceably exhibited their tyranny and oppression, he, by it, so far irritated their resentment, that had it not been for fear of the people, they would, instantly, have apprehended him. What force could not effect must, therefore, by fraud be accomplished. A

party, composed of persons whose principles contradicted each other, could unite in ^{an} act of injustice: — *Pharisees* and *Herodians* were employed to inveigle him. In conformity with the prevalent prejudice, that their Messiah would restore, to *Israel*, the kingdom, the former denied the claim of our Lord to that title, as he attempted not to deliver them from the yoke of the Romans; while the latter, contending also for a temporal favour, pretended that Herod was their Messiah, who, though tributary to Rome, was however born in Judea. These were fitly selected by the Jewish rulers to execute their project, which they attempted to effect by a casuistical question. More skilfully to disguise their real intention, the proposition was introduced by an insinuating preface: *Master, we know that thou art true and carest for no man: For thou regardest not the person of men, but teachest the way of God in truth; is it lawful to give tribute to Cæsar, or not? Shall we give, or shall we not give?* By reducing him to this dilemma they were confident it would be impossible for him to avoid their snare. For, had he asserted the lawfulness of tribute

to the Emperor, it would have rendered him obnoxious to the Pharisees; while, if he had denied that tribute was lawful, the Herodians would have apprehended him, not only, as an impostor, but also, as an enemy to the Roman supremacy. Jesus, immediately penetrated their stratagem, and *knowing their hypocrisy, said unto them, why tempt ye me? Bring me a penny that I may see it, and they brought it: And he said unto them whose is this image and superscription? And they said unto him, Caesar's. And Jesus, answering, said unto them, render to Caesar, the things that are Caesars, and to God the things that are God's.* This reply, than which none could have been more pertinent to the question proposed, may lead us to inquire wherein the claims of Government and Religion are distinct from each other.

It needs but a little reflexion to discover, that Society is founded upon motives purely human. The security of possession and injoyment of property are the grounds of alliance between man and man. Unless a love of equity actuated the strong, the weak must have been

continually subject to oppression. Every man would feel himself exposed to his more powerful neighbour, and depredation would not fail to follow opportunity.

When, by an increase of families, the interest of individuals were become more intricate, and the ties of relation relaxed, combinations were formed for the mutual protection of the persons and properties of those who composed them.

In the compacted strength of its members, Society found, both, a guard against external assault, and a remedy for intestine disorder. Each, according to his ability or property, contributing towards the support of the whole, force and supplies would be accumulated, sufficient, to secure them against outward hostility; while laws, founded on general consent, would correct the evils within.

Hence, and not from personal qualities, is derived to Magistracy all its authority; and the Magistrate's duty consisteth, in opposing the united strength of the State against those who should attempt to subvert or

subject it — in preserving the peace and property of its members, by inflicting the penalties which the law denounces against such as might disturb the one, or infringe the other.

If this account of the origin and nature of Government be just, it is a consequence, deducible from the premises, that any crime committed in Society can be punished as a crime against Society, alone. It is only in a social capacity that man is amenable to man. Though the breach of a law enacted by the State should involve in it a violation of the law of God, it is cognizable before the Magistrate in no other light than as a *civil* offence, since in no other view can it be injurious to Society. The guilt of the offender as a subject of *moral* government is determinable by Him, alone, who can never alienate his prerogative; and any attempt to arrogate such a jurisdiction would be an effort to “snatch from his hand the balance and the rod.”

The want of an accurate distinction upon this head hath been the cause of infinite mischief. Laws both

human and divine having prohibited the same crimes, the Magistrate hath assumed the exercise of both; whereas the security and peace of Society are the sole objects of legislative attention. The different sanctions by which the laws of God and man are enforced arise from this distinction. *Human* laws provide punishments for crimes, in proportion as they injure the State. An offence against the community is of greater enormity than the same act, committed against an individual; and will be differently punished according as relations and circumstances deepen their guilt. If, therefore, any sin can exist, by which the State is in no respect injured, such a sin belongs not to the jurisdiction of the State. Thus, evil thoughts and pernicious projects, however malignant, if they proceed not into action, can never be provided against by the most perfect human code, nor punished by the Magistrate's power. Far different are the sanctions of the *divine* law. Not only crimes within the Magistrate's jurisdiction, but those to which conscience, only, is privy, will receive their just punishment from the moral Governor

of mankind. He judges all our words, and all our actions. His eye pervades the inmost recesses of the heart. An imagination the least polluted will in vain flee for sanctuary to that altar. In his view, the embryo of a design is an action. — And, as concerning these men are incapable of judging, so the punishment of such crimes as are open to their censure will be dispensed in different measures. Offences before human courts, of a trivial nature, may, at the divine tribunal, appear of aggravated guilt. As an infringement of social order they are criminal, before Cæsar, in one proportion, but, as violations of moral œconomy, before God, in another.

From the preceding view of Society and Government, it is evident, Religion had no part in the formation of either. That it looks with a benign aspect upon civil polity cannot be doubted, since the conduct it enjoins tends greatly to advance men's secular welfare. This, however, is not its *primary* design. Obedience to human and divine laws arises from distinct motives. A man may be a worthy member of Society, observant

of all its prohibitions, obedient to all its injunctions, and yet, in his religious capacity, guilty of many transgressions.

The obligations to a community, and those to our Maker are founded on considerations different in their nature. As men, when a social union was first formed, had civil purposes solely in prospect, it could not include the practice of Religion. Previous to every political establishment, its authority extended over all mankind; and its obligation being *personal*, not *social*, human law could no more give it effect than extent. Every essential of it is exempt from the inspection of man. It is, what a Writer, the most profound, on the subject of Government hath defined it, *a divine philosophy in the mind*. * God must be worshipped in spirit and truth, and who, but He, can judge the mind, and

* Doctor Hallifax, in a 30th of January sermon before the House of Commons, (finding it expedient, like most other declaimers upon that occasion, to blow *hot*, and blow *cold*) introduces the following observations. "According to this new system, Christianity was considered, as indeed a leading character † in the history of those times, who ought to have been better in-

† ALGERNON SYDNEY.

the heart? Our duty to our Maker is coeval with our being, and every man must perform it as conscience shall dictate. In this respect, all men yet are in their natural condition:—This “state of nature” is “the reign of God.” Their rights, possessive and personal, in part they might alienate. Certain portions were relinquished for advantages in return; but they were advantages of a similar kind. The rights of conscience

formed, was pleased to call it, *a divine philosophy in the mind*; averse to all exterior observances, and utterly abhorrent from that form of discipline, which was practised in the *shops* and *steeple houses* of the church of England.” May we ask whence this information is gleaned? Bishop Burnet’s words are of different import: “He was against all public worship and every thing that looked like a church.” This he might be, and yet not *averse to ALL exterior observances*. In fact he was *not*, as appears by the *prayer*, at the close of the paper, delivered to the Sheriffs. Nor can the extremest torture of chemical criticism extract from the *History*, that he thought Christianity *utterly abhorrent from that form of discipline, which was practised in the shops and steeple houses of the church of England*. The plain interpretation of his being *against every thing that looked like a church*, is, that he did not approve of the established church. Perhaps, good Archbishop Laud had helped him to a surfeit. But, says the *Doctor*, he *ought to have been BETTER informed*. Who should have, better, informed him? *Sheldon* and *Morley*? Or, does the *Doctor* suppose he was either too ignorant, or too careless to have thought on the subject? It would give me pain to have it imagined that I had treated *Doctor Hallifax* too harshly, but I cannot restrain my indignation when I see the puny sons of these silken days, thus, wantonly, to trample upon the most venerable characters that have ever adorned humanity. The writings of SYDNEY, MILTON, and LOCKE, though neglected in this age of refinement, will never be forgotten, so long as there remains the least taste for what is great and manly.

“ — Ultimi nepotes,
Et cordatior ætas,
Judicia rebus æquiora, forsitan,
Adhibebit integro sinu.”

are unlike the claims of Society, and cannot therefore be submitted to its direction. Whatever is required by the law of our nature, every individual must, in his own person, perform. For every talent, intrusted to our care, a separate account must be given. However desirous we may be of a general conformity in religious opinions, yet to make nonconformity criminal, would in any Legislature be highly impious.

The farther we investigate the essentials of Religion this truth will be still more clearly evinced.

Uniform obedience to the laws of the State is properly denominated *probity*; something more is necessary to constitute *Religion*. Other laws must be obeyed, and this obedience must be of a different kind. Whether we place the foundation of virtue in, a conduct agreeable to nature or reason — the fitness of things — conformity to truth — the common good — or — the will of our Creator, the conclusion will, from each, be the same: For since that which is most agreeable to nature and reason, will be best adapted to the fitness of things, intirely conformable to truth, and productive

of the ^{common} ~~greatest~~ good, it must necessarily be what God hath appointed. A regard to the divine will, and its influence upon our conduct, must ascertain the *intrinsic* value of our actions. Those which may be deemed meritorious by man, may in the sight of God appear in a different light. The needy have been relieved from ostentation, and the defenceless protected from popularity: Oeconomy hath furnished a pretext for avarice, and hypocrisy assumed the face of Religion. These characters are worn *before men to be seen of them; and, verily, they have their reward.* They will, however, notwithstanding their beneficial effects, fail to procure the favour of Heaven. In His view who *seeth not as man seeth* casual utility will not sanctify a sinister motive. He requires us to obey, *not with eye-service, as men pleasing, but with singleness of heart serving the Lord; and enjoins us, whatever we do, to do it heartily, as unto the Lord, and not unto man.* If it proceed from any other principle our conduct cannot be *religious.* Should the laws, therefore, of any State command what is contrary to the conviction of the mind, sub-

mission, in such an instance, would be sinful; for, *whether it be better to obey man rather than God, judge ye?* If any, under this plea, should either molest the quiet, or invade the property, of others, it cannot afford them the least protection: For, it is essential to the doctrine we assert, that all such offenders ought, notwithstanding any pious pretenses, to receive an adequate punishment. In which case, they would not suffer on a *religious*, but a *civil* account: And it is in this sense that the *Magistrate beareth not the sword in vain.*

If by *Religion* be meant the establishment of certain *doctrines* on the authority of the State; such doctrines, it is evident, can produce no good effect, unless they are actually believed. *In vain, saith our Lord, do they worship me, teaching for doctrine the commandments of men.* In reality, the most sacred dogmas would be but human prescriptions to him who had no conviction of their being divine. The capacities of men are dissimilar in their original constitution, and this diversity is increased by prejudice and education. If reason can-

not produce assent, all other efforts must fail. There can be no greater solecism than to suppose the possibility of forcing a belief. The consequence of such an attempt would be, either to make hypocrites of the compliant, (who, if before in an error, would, by this means, be rendered *ten fold more the children of hell*) or, to express a singular tenderness towards the obstinate, by terminating their lives in temporal fire, in order to save them from fire eternal.—But, allowing the possibility of compelling men to believe; is *every* State infallible in the doctrines it imposes? If not, how dreadful may be my condition who am forced to receive them! Your own opinions, though erroneous, may be innocent, but will not the error, I am compelled into, prove fatal to me?—And yet, these doctrines, you contend, are essential to salvation. Thus me, the victim of superstition, you sacrifice at the shrine of an infernal deity^{mon}, in comparison of whose votaries, the idolators of Moloch were but negatively impious.

As to the *external homage* of the Deity:—can a legal injunction excite the spirit of devotion? If the

mode which the Rubric prescribes be not the *best* in the worshipper's opinion, he will *offer* only *the sacrifice of fools*.

Respecting the *sentiments* of any individual, these are no less free from the Magistrate's inspection. The only standard, by which we can judge them, is the consequences they produce when carried into practice. These alone can ascertain the tendencies of opinion. If *religious* speculations be subjected to the Magistrate's judgment so also must be sentiments on *all other* topics. Hence, laws should denounce penalties against every offender, who might dare to think any thing, of whatever sense the object, either pleasant or painful, by which the Magistrate was not affected with the same degree of pleasure or pain. Nor let it be said that opinions of this sort are indifferent in their nature, and, therefore, can never be punished: For if actions be not founded upon them, all opinions, so far as Society is concerned, are of equal indifference. Would it not be unjust to punish a man for his dreams? Yet, an ineffective opinion differs from a dream, but in this, the

one is formed while the eyes are closed, and the other, while they are open. As Society cannot be injured but by actions which violate its property or peace, those who demean themselves honestly and orderly ought not to be molested, on account either of their sentiments, or worship. If these sentiments and this worship be the efflux of sincerity and devotion, absurd as they may be, God will approve them. The more such persons abound in every community, the better will that community become; *yea, blessed is that people who have the Lord for their God.*

If it be objected that unless Government interest itself in behalf of Religion it will soon be excluded the world. May we not ask, whether it be in obedience to the laws of the State that *the sun ariseth*, or that the moon *walketh in brightness*?—Hath the Deity need of human intervention to uphold his empire? How arrogant a worm is man! Yet in consequence of this presumption what havoc have massacres made! Would Legislators maintain the cause of Religion, let them shew its influence on their conduct.

It is a fundamental principle of legislation that good Government can never exist where, under the connexion of the same laws, every citizen is not equally protected. This gives them but one interest to support. This makes every man respect his neighbour.

Viewing man in his religious capacity we consider him as related to his Maker. This relation can never be altered by any change of his being. Society is but of temporary duration: With the present life terminates the penalties of its laws; while the sanctions of Religion are durable as our existence. As these are, to us, of the highest importance, let us, *first, seek the kingdom of God and his righteousness*; and, in subordination to this end, let us *render to Cæsar, the things that are Cæsar's*. By such a conduct, and such alone, can we hope to enjoy, in this world, the advantages of good Government; and, in the next, the blessed consequences which will result from obedience to Him, whose *kingdom ruleth over all*.

T H E E N D.

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The Reader is desired to correct the following errors.

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Page	Line	for	perfsuit	substitute	purfsuit
1	5		persecutors		persecutors
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	14		on defert		on the defert
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2	10	for		of
	15	persecution		persecution
3	7	retract		detract
	12	buslinefs		buslinefs

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1	4	perfsuit	purfsuit
3	2	in act	in an act
	10	tributaty	tributary
4	4	Cafars	Cafar's
5	4	interest	interests
7	11	their	its
9	10	observations	observation
10	34	forlitan	—
12	1	greatest	common
14	14	fata	fatal
	17	deity	demon
17	10	terminates	terminate

The Reader is desired to correct the following errors

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Page	Line	For	By
2	4	dedication	dedication
3	11	on the altar	on the altar
3	22	of the altar	of the altar

ADVERTISING.

3	10	for	for
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SERMON.

1	1	sermon	sermon
2	2	sermon	sermon
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4	4	sermon	sermon
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